

BRIGHTON SHORT TERM RENTAL SUB COMMITTEE MEETING MINUTES

Tuesday, September 7th, 2021 at 6:00pm

ATTENDANCE

Jenna Malone, Jeff Bossard, Carolyn Keigley, Carole McCalla, Polly McLean, Barbara Cameron, Kara John, Jon Lange, Renae Olsen, Brian Summers, Mark Brinton, Soroush Zaryoun, Ben Bennet, Eli Lovett

BUSINESS

Update on Granicus Data

There are 116 rentals estimated in Brighton; 78.6% of units have the street address identified which comes out to 70 units identified; 20 permitted and licensed units; 50 not permitted; Initially, 6 properties were marked as ineligible due to water/sewer requirements and only 2 of those are still renting.

Results were filtered based on when the property was last rented: 23 out of 50 noncompliant properties with addresses identified have not rented in the last month. To further break that down, 9 properties have not rented in the last 31-60 days; 2 have not rented in the last 61-180 days; 16 have not rented in the last 181 days or longer. This is not to say they won't actively rent again, but we may not expect 50 more permit applications. There are several applications in process now.

Assessor data was sent in last week and should be completely uploaded by tomorrow.

There were 5 Hotline calls from May to September: 1 reporting an ineligible STR in Forest Glenn; 1 call for noise after quiet hours; 3 calls reporting weddings.

2 properties still show a 1 night minimum.

5 properties show sleeping capacity over 15 people.

Update on STR education letter

Polly McLean and her associate Cameron Platt are working on finalizing 3 letters to citizens. One will be for people operating short term rentals in Brighton, one letter for all condo and house owners in Solitude whether they rent or not, and one informational letter for the community. The letters should be ready this week and it was thought the community letter can go out via the town electronic newsletter as well as to the various HOAs and community associations. There is an explanation in the letters that Solitude is different in rules and requirements. The town website information will be updated to include information on how to deal with egress in a home and what those restrictions are for safety measures for rentals.

The MSD is undergoing a system change for processing applications which should be ready by September 15th. The old system couldn't process umbrella licenses. Because they are changing systems, every license processed in the old system will have to be manually transferred over. This may slow down permitting and licensing in the near term, but it is ultimately a faster process than the previous design. Rental owners should get in the queue to become legal by the December 1, 2021 deadline.

It was clarified that Solitude doesn't need FCOZ approval in the permit process since they are under Solitude's Master Conditional Use Permit. The MSD GIS team is working on a map to determine Solitude boundaries. Solitude jurisdiction includes the houses surrounding the village. They are responsible for responding to STR issues at the Solitude houses in addition to the condos. MSD coordinates inspections so property owners should not be scheduling that independently.

The State of Utah Realtor Board won't provide the address of their realtors, but they will publish our information in their newsletter. It would be beneficial to correct the misinformation that realtor's tell buyers with the intent to operate STRs.

Proof of Insurance Requirement

It was agreed to recommend this as an ordinance to be adopted by the Town Council. Alongside a safety requirement for proper egress, it is wise to have insurance for owners operating STRs. Carole McCalla uses Bear River Insurance because they offer specific STR coverage rather than just rental insurance. It includes insurance for liability and a property. It could be monitored by requiring the insurance number on the business license application.

Increased Penalties for Special Events

The current fine is \$100 per day. At that low amount, it can be considered the cost of doing business or charged to the guest as an additional fee. Increasing the fee to \$650 would match the penalty for renting without a license and would help people to comply. The fine could double with each infraction and could have a 3 strikes rule that would result in a loss of license. The Special Events Subcommittee is defining what a Special Event is to help determine what will trigger the need for enforcement.

Restricting STR permits

In some communities there are different types of restrictions for STRs in residential areas compared to commercial areas. Limiting density in certain areas helps preserve the community feel while still allowing visitation that is concentrated. Solitude is already zoned MRZ and Brighton Loop is not. Even though the Brighton Loop is zoned the same as Silver Fork, the Loop attracts visitors just by being next to the resort whereas Silver Fork is more residential with families raising kids. Sandy only allows STRs if it is a primary residence. Cottonwood Heights doesn't allow STRs by neighborhood types, so single family residential neighborhoods don't allow it while condo neighborhoods are allowed. With a reasonable basis, we can legally treat different neighborhoods differently based on the community need.

Jeff and Carolyn presented the work on STRs that the town has been doing to the residents in the Brighton Community Association. Many are pleased with the progress and look to the town for guidance and restrictions. The Willow Loop area is divided in their position on STRs. It was acknowledged that limiting STR density would not prevent fractional ownerships by unlimited member corporations that act like time shares but resemble STRs. These kinds of arrangements allow high turnover with varied use; and, they are different from fractional ownership by multiple members of one family like we often see in Brighton. There is not a need to impose on the multi-generational family-owned cabins for personal use. Further discussion is needed on how to handle density of rentals in the various neighborhoods and Polly will investigate ways to limit STR permits.

PUBLIC INPUT:

Ben Bennet has property in Pine Tree and Solitude. He is long-term renting his house in the valley and is living at Solitude when he is in Utah with his voter records in Brighton because he spends so much time here and loves the community. He is working on getting year around water in Silver Fork so that his property can be eligible for an STR. He asked the subcommittee not to penalize those working to come into compliance by limiting licenses. He would be disappointed to get to the point of being eligible to rent in Pine Tree, but unable to because of the limit and would like to see a grandfathering option for to obtain a permit beyond the limit.

Mark Brinton appreciates the work the subcommittee is continuing to do. He asked for clarification on the ordinance prohibiting outside fires at STRs. It was explained that with the risk of wildfire there is too much education needed for visitors to have a safe fire so they are not allowed at STRs even if the Fire

Ban is lifted. Fires are still banned for residents in Brighton, but it is on the agenda for the next Town Council. This was decided because the Forest Service has lifted their fire restrictions which allows backpackers and hikers to have fires outside of campgrounds.

Soroush Zaryoun asked if there is a fire ban in Spruces campground since it is next to the Pine Tree neighborhood. It was clarified that fires have been permitted there and the restrictions were lifted in all Forest Service areas as of September 1st.

He lives in Cottonwood Heights but has a property in Pine Tree and spends many days there in the winter skiing and many days in the summer hiking. He has kids in school with extracurricular activities making him logistically unable to live in the canyon full time. He would like to be able to rent his property as an STR when he is not using it to help with the cost and to share the joy of this place with others. He is also helping to obtain year around water in Pine Tree and would like to be considered for an STR permit despite potential permit limitations. Perhaps, an extended hold on the application would allow him to get permitted when water is available year round. He would like to better understand what we are trying to achieve with limitations and see the town adapt laws around that rather than follow what other towns are doing; although, it is good to research ideas.

CHAT BOX COMMENTS

01:12:40 Ben Bennett: Thank you all. Council members - I would love to listen and understand more about your concerns about limiting STRs. Please find time to share your specific thoughts with us

The meeting was adjourned at 7:03

Submitted by Kara John